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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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THE NATH LAW GROUP

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EXAMINER

CHIANG, TIMOTHY S

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

06/01/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

Response to Arguments

1. Applicant's arguments filed 5/17/2010, with respect to the rejection(s) of claim(s) 1, 6-8, 10, 12-16 have been fully considered. As discussed between the Applicant and Examiner during an Examiner's Interview on 5/26/2010, the proposed amendments, new ground(s) for rejection is raise with the added limitation of "single" porous fabric belt in describing the supporting system in independent claims 1 and 10. The added limitation raises a new issue supported by the specification but changing the scope of the invention by precluding dual-belt systems as described in the preferred embodiments of the present case and taught by the prior art of reference in the outstanding office action. The new issue raised would require further consideration and/or search.

Regarding Applicant's arguments pertaining to Kosann as not disclosing a porous fabric belt of the taught supporting system, the Examiner agrees that Kosann does not specifically teach a "porous fabric belt" but believes that such a selection for the transfer belt would be within the scope of obviousness to one skilled in the art in view of Kosann's teaching of a "perforated top and bottom [belt] allowing penetration of the dye solution and other solutions utilized in the process while holding the cotton batt together. Secondary reference Williams teaches woven wire belts (col. 4, line 12) which may be read to meet the limitation of "porous fabric belt". This is because, without further limitation on the material of the fabric belt, the term "fabric" can be construed within the broadest reasonable interpretation as including metal fabric meshes, which is

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a terminology and product known in the art. However, the Kosann reference is silent on the use of cloth fabric belts.

Regarding the Applicant's argument pertaining to the invoking of 35 U.S.C. 112, sixth paragraph, the Applicant is correct in that the claim language does not invoke 35 U.S.C. 112, sixth paragraph means-plus-function. The Applicant uses "means to" instead of "means for". It is unclear however, whether the Applicant is intending to invoke 35 U.S.C. 112, sixth paragraph as the language of "means to" is unclear in defining the means. The claims are examined as if 35 U.S.C. 112, sixth paragraph is invoked. The Applicant should either clearly invoke 35 U.S.C. 112, sixth paragraph by amending the "means to" language to "means for", or re-writing the claims to clearly define the structure providing the "means".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY CHIANG whose telephone number is (571)270-7348. The examiner can normally be reached on Monday - Thursday 9:00AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Harold Y Pyon/
Supervisory Patent Examiner, Art
Unit 1796

/TIMOTHY CHIANG/
Examiner, Art Unit 1796
5/27/2010